REGULAR
COUNCIL MEETING
November 21, 1988

The regular meeting of the Elkton Town Council was held November 21, 1988 at 8:00 P.M. in the council chambers with the Mayor Charles E. Dean presiding. The following council members were present: R. E. Davis, B. B. Holt, R. B. Hutton, H. W. Leap, L. C. Life and R. L. Snow. Dale Davenport, Attorney, Norma Leap, Clerk and Gerald Monger, Town Superintendent were also present. Warren Pence, Chief of Police was present for the first part of the meeting.

Mrs. Hazel Crider was present regarding street lights in the Elkwood area. She stated she came before council approximately five years ago requesting additional lighting in Elkwood and that after some time they finally got additional lights, bringing the total to seven. She was told at that time that when more money was available additional lighting would be installed. She felt five years was long enough to wait for the other four or five lights. Elkwood now has forty homes and it is quite dark up there. The lights there are not giving adequate illumination. She has talked with Virginia Power regarding this and they will be glad to come down and check these out if the town requests them to do so. She requested council and Mr. Monger ride up into Elkwood and check out how dark it is up there. She stated the people in Elkwood would appreciate any consideration council could give them regarding this problem.

Mayor Dean turned this request over to the Electric Committee and asked they have an answer for Mrs. Crider before the next meeting.

Mrs. Crider also spoke regarding the stop light at the intersection of Route 340 and Shenandoah Avenue near the ShenElk Plaza. She asked what the holdup is. Mayor Dean stated this was a state project and the town is waiting on them. Mr. Monger reported that the state had promised this project for September of 1988 and then delayed it until October of 1988. He does not know what has happened. Mrs. Crider stated she talked with Mr. Jack Osborne of the Highway Department and he stated the project is not scheduled until October of 1989. She asked Mr. Osborne what could be done to get this traffic light in sooner. He suggested contacting the Assistant Resident Engineer in Staunton and expressing the reasons the town feels this project needs to be moved up to an earlier completion date.

Mr. Kitchen of Adelphia Cable was present to give an update on the rebuilding of the cable system. He stated they are about 90% complete on the construction of the cable and the placement of the electronics. If all goes according to schedule, they should start transferring customers to the new system about December 1st. It will take about a month to transfer all the customers.

Mr. Ishmal Baugher, Chairman of the Planning Commission, reported that the Planning Commission will be holding a Public Hearing Monday, November 28th. at 7:30 P.M. in the Fire Company Activities Building on the new proposed zoning ordinances. He extended an invitation to council to attend the hearing to hear the views of the citizens. It was pointed out that residents will have the opportunity to view the zoning map and ask questions tomorrow from 12:00 noon to 6:00 P.M. in the council chambers.

Councilwoman L. C. Life moved, seconded by Councilman R. B. Hutton and carried to approve the minutes of the Regular Meeting October 17, 1988 as corrected and the Special Meeting, October 31, 1988 as presented.

Mr. Monger distributed a report on the VMEA #1 meeting in Richmond November 3, 1988. He reported that the town has received $8,324.96 from the County for the crossing over in the Little Egypt area and would like the council to appropriate this money for supplies; $4,729.41 to the Sewer Budget and $3,595.55 to the Water Budget.

Chief Pence reviewed the monthly police report. He reported that Officer Lowry has completed school and they are now up to full staff. They had hired and trained a new dispatcher but she only worked one night after going on full duty so they are now in the process of training another dispatcher.

Chief Pence was excused from the meeting as he had other business.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt and carried to approve the Finance Report for the month of October.

Councilman Snow stated a date would need to be set to meet with the auditors. It was decided to set the meeting for Monday, December 5th. at 7:00 P.M.

Councilman R. L. Snow moved, seconded by Councilman H. W. Leap and carried to approve the First Reading to appropriate $4,729.41 to the Sewer Budget for supplies and $3,595.55 to the Water Budget for supplies.

There was some discussion regarding the new water and electric reconnection fees and some potential problems. Council decided to leave the fees as they were passed for the present but to send this back to the Finance Committee to review.

Mr. Monger highlighted the report on the VMEA #1 meeting regarding contracts which will be needed with the localities going into the generating project. Manassas, Blackstone and Franklin have voted since this meeting to go into the project. Harrisonburg Electric Commission will consider this at their November 22nd. meeting. Harrisonburg has had a study made by Southern Engineering and according to what Mr. Monger has heard they are saying it is a good thing and Harrisonburg should go along with the project. Mr. Monger stated the VMEA #1 also discussed some changes which will need to be made in the by-laws in case all of the localities do not participate in the project. It was also discussed when the money would be needed. They also discussed what would happen if Harrisonburg did not go with the project and decided the project would be scaled down and costs would remain about the same to each locality participating.

Mr. Davenport stated he has gone over the contracts but has not analyzed them as fully as Manassas as they are very complex and would cost too much to go into thoroughly. He does feel that if council is satisfied with the concept and wants to participate, the documents accomplish the concept and are adequate.

After some further discussion, council decided to wait to see what Harrisonburg Electric Commission decides to recommend to the City of Harrisonburg before taking any action.

Council decided to reschedule the December meeting from December 19th. to December 12th. and to meet with the auditors at 7:00 P.M. on December 12th. rather than December 5th.

Mr. Monger reported that the question was raised at the VMEA #1 meeting if VMEA #1 should enter into the Culpeper and Virginia Power case. Mr. Monger pointed out that this will affect whatever happens to anyone who annexes and tries to take the power. Mr. Monger asked that council give this some thought until the next meeting.

Councilwoman Life asked what the status is on the applicant for the town electrician's position. Mr. Monger stated the applicant was to let the committee know and he has not heard from him since the meeting.

Councilwoman Life asked what about the Vepco rebate. Councilman Davis stated the committee does not have a recommendation as yet.

Mr. Monger reported that they are waiting on pavors to come in to do a few more streets.

Councilwoman Life reported on her meeting with Coors and Merck & Co. on the caboose project. Mayor Dean and Mr. Monger also attended the meeting. They have shown interest in the project. She asked for a $1,000.00 donation from each company to match the $1,000.00 donation from Myers Ford. It will take anywhere from six weeks to a year for an answer.

Councilwoman Life read a letter from Luck Stone donating the stone. She has been working with the businesses trying to match the $1,000.00. As of tonight, in contacting eighteen businesses, she has committments of $1,079.00. This is enough to move the caboose. She has not heard from the railroad as yet. She would like to go ahead with the project.

After some discussion, Councilman R. B. Hutton moved, seconded by Councilwoman L. C. Life and carried to turn the moving of the caboose over to Councilwoman Life without any obligation to the town.

Mr. Monger was requested to contact the Highway Department to see what the status is on the street light at the intersection of Stuart Avenue and Shenandoah Avenue.

Councilman B. B. Holt moved, seconded by Councilman R. L. Snow that the ordinance regarding floodplain districts dated, enacted and ordained June 7, 1978 amending the Zoning Ordinance of the Town of Elkton, Rockingham County, Virginia, is hereby repealed in its entirety and the zoning ordinance of the Town of Elkton, Va., as it existed immediately prior to such June 7, 1978 amendment and as otherwise amended from time to time thereafter, is amended and reenacted as follows: (see copy at end of minutes). This ordinance will become effective immediately upon adoption as an emergency exists. The vote was recorded as follows:

Davis	- yea	Leap	- yea
Holt	- yea	Life	- yea
Hutton	- yea	Snow	- yea

Councilman Snow reported that in this year's budget council appropriated $6,000.00 toward a part time recreation person. There was some discussion regarding the hiring of someone for this position.

Councilman R. L. Snow moved, seconded by Councilman B. B. Holt to approve the hiring of and paying Mr. Theodore Pence as a part time recreation coordinator at a total cost not to exceed $6,000.00 for the budget year. The vote was recorded as follows:

Davis	- yea	Leap	- yea
Holt	- yea	Life	- yea
Hutton	- yea	Snow	- yea

Councilman Leap reported that a number of people in the Little Egypt area has been complaining to Mr. Monger concerning their getting the run around between the town and the county. Mr. Monger instructs the people to call the county. They have called the county to be connected and some of them do not feel it is their responsibility to come to the main line so they talk with the county trying to get them to go from our lines

to the property lines. The ball gets pitched back as the county sends them back to the town to talk about this. Councilman Leap stated he thought that the last discussion with Mr. Kruger and Mr. Hulings had cleared up the problems of responsibilities. His understanding of responsibilities was as follows:

1. County resident is to contact the county for sewer service.

2. County resident is to pay the connection fee to the county.

3. It is the county resident's responsibility to run the line to the town's main line.

4. The county resident would then become the customer of the town once the connection to the line is made and only at that time are they the customer of the town.

5. The county is to inform the town when the connection is going to be made so the town can inspect the connection or make the connection and enable the town to start their billing process.

Councilman Leap stated this is what he thought was being followed but he found out last week that the county made a connection to the sewer line and the town did not know about it until after the line was closed and it was never inspected. He feels maybe the town needs to write out the procedures and give them to Mr. Kruger and Mr. Monger in order to eliminate the problem. Council was in agreement that the procedure Councilman Leap outlined was the procedure agreed upon.

Mr. Monger reported he had talked with Supervisor Hulings regarding having Mr. Kruger send letters to the people informing them of the procedures. Mr. Hulings will also check to see why the town was not notified of the connection last week.

Council was in agreement that if we don't hear something about this problem in a few days the Mayor will send a letter to the county engineer to clarify our understanding of the procedures to follow for connections.

Councilman Hutton reported that the Personnel Manual is still being worked on and there is nothing to report as yet.

Mayor Dean reported that Mr. Robert Crist, an investment officer with Wheat First Securities, had contacted the town to see if they would be interested in sponsoring a course on Investment and Financial Planning Strategies. Council did not feel they would be interested in this but felt maybe some other civic organization or the library committe might be interested if approached by Mr. Crist.

Councilman Hutton reported that he is meeting with Mr. Bill Veno November 29th. regarding names of roads, other than state roads, leading into Elkton and if anyone else is interested they would be welcome at the meeting.

As there was no further business, the meeting adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk

AN ORDINANCE REPEALING AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ELKTON, ROCKINGHAM COUNTY, VIRGINIA, DATED, ENACTED AND ORDAINED JUNE 7, 1978, AND AMENDING AND REENACTING THE ZONING ORDINANCE OF THE TOWN OF ELKTON, ROCKINGHAM COUNTY, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY DEFINING CERTAIN TERMS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, BY PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCE TO THE TERMS OF THE ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ELKTON, ROCKINGHAM COUNTY, VIRGINIA, THAT THE ORDINANCE DATED, ENACTED AND ORDAINED JUNE 7, 1978 AMENDING THE ZONING ORDINANCE OF THE TOWN OF ELKTON, ROCKINGHAM COUNTY, VIRGINIA, IS HEREBY REPEALED IN ITS ENTIRETY AND THE ZONING ORDINANCE OF THE TOWN OF ELKTON, VIRGINIA, AS IT EXISTED IMMEDIATELY PRIOR TO SUCH JUNE 7, 1978 AMENDMENT AND AS OTHERWISE AMENDED FROM TIME TO TIME THEREAFTER, IS AMENDED AND REENACTED AS FOLLOWS:

ARTICLE I: Section 1 is amended to read as follows:

Section 1. DIVISION INTO DISTRICTS

For the purpose of this Ordinance the Town of Elkton is hereby divided into five (5) classes of districts as follows:

A-1 - RESIDENCE DISTRICTS
A-2 - RESIDENCE DISTRICTS
B-1 - BUSINESS DISTRICTS
B-2 - BUSINESS, MANUFACTURING AND INDUSTRIAL DISTRICTS
FP - FLOODPLAIN DISTRICTS

The boundaries of the A-1, A-2, B-1, B-2 districts are hereby established as shown on the map entitled "BUILDING ZONE MAP OF ELKTON, VIRGINIA", dated September 11, 1947, signed by the Mayor J. S. Workman and Zoning Commission, as amended, which accompanies and is hereby declared to be a part of this Ordinance. These district boundary lines are intended to follow street or lot lines as they existed on June 7, 1978, unless such district boundary lines are referenced to some street line by dimension shown on the Building zone Map. The boundaries of the Floodplain Districts are established as shown on the Flood Boundary and Floodway Map which is also declared to be a part of this Ordinance and which shall be kept on file at the Town's offices. The delineation of any of the Floodplain Districts may be revised by the Town Council of the Town of Elkton where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for possibility for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity

to present his case to the Board and to submit his own technical evidence if he so desires. In case a district boundary line is not thus referenced or there is a doubt in a particular instance as to what line is determining, the question of such determination shall be adjudicated by the Board of zoning Appeals. The said map, and all notations, references and designations shown thereon shall be as much a part of this Ordinance as if the same were all fully described herein.

ARTICLE II: Section 2 of the Zoning Ordinance of the Town of Elkton is amended to include the following definitions to be numbered sequentially with existing definitions:

DEVELOPMENT - any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

FLOOD - a general and temporary inundation of normally dry land areas.

FLOOD PLAIN - (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

MANUFACTURED HOMES - A structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities. The term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 days.

MANUFACTURED HOME PARK/SUBDIVISION, EXISTING - a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

ONE HUNDRED YEAR FLOOD - a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

FLOODWAY - The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

FLOOD-PRONE AREA - Any land area susceptible to being inundated by water from any source.

ARTICLE III: A new Section 8 of the Zoning Ordinance is created as follows, with the current Section 8 and subsequent Sections to be renumbered sequentially:

Section 8. FLOODPLAIN DISTRICTS

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

(1) Regulating uses, activities, and development which, alone or in combination with other existing of future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.

(2) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.

(3) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

(4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

These provisions shall apply to all lands within the jurisdiction of the Town of Elkton and identified as being flood prone as stipulated in this ordinance.

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

This ordinance supersedes any ordinance currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for Town of Elkton prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 1977, as

amended. Any changes in the delineation of these districts are subject to the approval of the Federal Insurance Administrator.

(1) The Floodway District is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. These areas included in this District are specifically defined in Table Two (2) of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.

(2) The Flood-Fringe District shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

(3) The Approximated Flood Plain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Town of Elkton, Virginia.

When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Building Zone Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts and those of any underlying district the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code and the Town's Subdivision Ordinance. Prior to the issuance of any such permit, the Town Engineer shall require all applications to include compliance with all applicable State and Federal laws.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within a municipality, approval shall be obtained from the state Water Control Board. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the State Water Control Board, the State Department of Intergovernmental Affairs, and the Federal Insurance Administration.

All applications for development in the floodplain districts and all building permits issued for the floodplain shall incorporate the following information:

(1) For structures that have been elevated, the elevation of the lowest floor (including basement).

(2) For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed.

(3) The elevation of the one hundred (100)-year flood.

All manufactured homes to be placed or substantially improved within the floodplain districts shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.

In the Floodway District no development shall be permitted except where the effect of such development is fully offset by accompanying improvements which have been approved by all appropriate local and/or

State authorities as required above and would not cause any increase in flood levels within the community during the occurrence of the base flood discharge. All uses, activities, and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances. The placement of any manufactured home, except in an existing manufactured home park or subdivision, within the Floodway District is specifically prohibited.

In the Flood-Fringe and Approximated Floodplain Districts the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

Within the Approximated Floodplain District, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100) year flood elevation more than one foot at any one point. The engineering principle--equal reduction of conveyance--shall be used to make the determination of increased flood heights.

Within the floodway area delineated by the applicant, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities, as required above.

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and onsite waste disposal sites. The Town Council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

(1) Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvement).

(2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a floodplain district to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.

(4) Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Town of Elkton or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administration decision lawfully made hereunder.

ARTICLE IV: Section 14 (EXCEPTIONS AND REGULATIONS IN VARIOUS DISTRICTS) is amended to include a new Subsection (d) as follows:

(d) Variances in Floodplain Districts:
In passing upon applications for variances in Floodplain Districts, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and the following factors:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100)-year flood.

(2) The danger that materials may be swept on to other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a water front location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(10) The safety of access to the property in time of flood of ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(12) Such other factors which are relevant to the purposes of this Ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Variances shall only be issued after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) nuisances, (e) fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall only be issued after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant, in writing, that the issuance of a variance to construct a structure below the one hundred (100) year flood elevation (a) increase risks to life and property, and (b) will result in increased premium rates for flood insurance.

A record of the above notification as well as all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

Enacted and Ordained this 21st. day of November, 1988. This Ordinance shall become effective upon passage.

Charles E Dean
Mayor

Attest:

Norma R Lesp
Treasurer